

Message Text

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ACTION IO-10

INFO OCT-01 ISO-00 IOE-00 AF-10 ARA-10 EA-10 EUR-12 NEA-10

RSC-01 OIC-02 INRE-00 SSO-00 NSCE-00 USIE-00 CIAE-00

DODE-00 PM-03 H-02 INR-07 L-02 NSAE-00 NSC-05 PA-02

PRS-01 SP-02 SS-15 SAM-01 AID-05 EB-07 OMB-01 TRSE-00

CIEP-02 OPIC-06 VO-03 INSE-00 SCA-01 VOE-00 /131 W

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FM USMISSION USUN NY

TO AMEMBASSY RABAT IMMEDIATE

INFO SECSTATE WASHDC 8580

UNCLAS USUN 6034

E.O. 11652: N/A

TAGS: PFOR PBOR MO SS SP UN

SUBJ: SPANISH SAHARA

REF: RABAT 6085

FOLLOWING IS TEXT OF SAHARA RES AS ADOPTED BY UNGA
FOURTH COMITE DEC 11 AND PLENARY DEC 13:

QTE

THE GENERAL ASSEMBLY,

RECALLING ITS RESOLUTION 1514(XV) OF 14 DECEMBER 1960,
CONTAINING THE DECLARATION ON THE GRANTING OF INDEPENDENCE
TO COLONIAL COUNTRIES AND PEOPLES,

RECALLING ALSO ITS RESOLUTION 2072 (XX) OF 16 DECMEBER
1965, 2229(XXI) OF 20 DECEMBER 1966, 2354, (XXII) OF
19 DECEMBER 1967, 2428(XXIII) OF 18 DECEMBER 1968, 2591
(XXIV) OF 16 DECEMBER 1969, 2711(XXV) OF 14 DECEMBER 1970,
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2983(XXVII) OF 14 DECEMBER 1972 AND 3162(XXVIII) OF 14

DECEMBER 1973,

REAFFIRMING THE RIGHT TO SELF-DETERMINATION OF THE POPULATION
OF THE SPANISH SAHARA IN ACCORDANCE WITH ITS RESOLUTION
1514(XV),

CONSIDERING THAT THE PERSISTENCE OF A COLONIAL SITUATION
IN WESTERN SAHARA JEOPARDIZES STABILITY AND HARMONY IN
THE NORTH-WEST AFRICAN REGION,

TAKING INTO ACCOUNT THE STATEMENTS MADE IN THE GENERAL
ASSEMBLY ON 30 SEPTEMBER AND 2 OCTOBER 1974 BY THE
MINISTERS FOR FOREIGN AFFAIRS OF THE KINGDOM OF MOROCCO 35/
AND THE ISLAMIC REPUBLIC OF MAURITANIA, 36/

TAKING NOTE OF THE STATEMENTS MADE IN THE FOURTH COMMITTEE
BY THE REPRESENTATIVES OF MOROCCO 37/ AND MAURITANIA,
38/ IN WHICH THE TWO COUNTRIES ACKNOWLEDGED THAT THEY
WERE BOTH INTERESTED IN THE FUTURE OF THE TERRITORY,

HAVING HEARD THE STATEMENTS BY THE REPRESENTATIVE OF THE
PEOPLE'S DEMOCRATIC REPUBLIC OF ALGERIA, 39/

HAVING HEARD THE STATEMENTS BY THE REPRESENTATIVE OF
SPAIN, 40/

NOTING THAT DURING THE DISCUSSION A LEGAL CONTROVERSY AROSE
OVER THE STATUS OF THE SAID TERRITORY AT THE TIME
OF ITS COLONIZATION BY SPAIN,

CONSIDERING, THEREFORE, THAT FOR FUTURE DISCUSSION IT
IS HIGHLY DESIRABLE THAT THE GENERAL ASSEMBLY SEEK AN
ADVISORY OPINION ON SOME IMPORTANT LEGAL ASPECTS OF THE
PROBLEM DURING ITS THIRTIETH SESSION,

BEARING IN MIND ARTICLE 96 OF THE CHARTER OF THE UNITED
NATIONS AND ARTICLE 66 OF THE STATUTE OF THE INTERNATIONAL
COURT OF JUSTICE,

1. DECIDES TO SEEK AN ADVISORY OPINION FROM THE INTERNATIONAL
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COURT OF JUSTICE, WITHOUT PREJUDICE TO THE APPLICATION OF
THE PRINCIPLES EMBODIED IN GENERAL ASSEMBLY RESOLUTION 1514(XV),
AT AN EARLY DATE ON THE FOLLOWING QUESTIONS:

"I. WAS WESTERN SAHARA (RIO DE ORO AND SAKIET EL HAMRA) RES
NULLIUS AT THE TIME OF COLONIZATION BY SPAIN?"

"II. WHAT LEGAL TIES EXISTED BETWEEN THIS TERRITORY AND

BOTH THE KINGDOM OF MOROCCO AND MAURITANIA AS A WHOLE?"

2. CALLS UPON SPAIN, IN ITS CAPACITY AS ADMINISTERING POWER IN PARTICULAR, AS WELL AS MOROCCO AND MAURITANIA, IN THEIR CAPACITY AS INTERESTED PARTIES, TO SUBMIT TO THE INTERNATIONAL COURT OF JUSTICE ALL SUCH INFORMATION AND DOCUMENT AS MAY BE NEEDED TO CLARIFY THESE QUESTIONS;

3. INVITES URGENTLY THE ADMINISTERING POWER TO POSTPONE THE REFERENDUM IT HAD CONTEMPLATED IN WESTERN SAHARA UNTIL THE GENERAL ASSEMBLY DECIDES ON THE POLICY TO BE FOLLOWED IN ORDER TO ACCELERATE THE DECOLONIZATION PROCESS IN THE TERRITORY, IN ACCORDANCE WITH RESOLUTION 1514(XV), IN THE BEST POSSIBLE CONDITIONS, IN THE LIGHT OF THE ADVISORY OPINION GIVEN BY THE INTERNATIONAL COURT OF JUSTICE

4. REITERATES ITS INVITATION TO ALL STATES TO OBSERVE THE RESOLUTIONS OF THE GENERAL ASSEMBLY REGARDING THE ACTIVITIES OF FOREIGN, ECONOMIC AND FINANCIAL INTERESTS IN THE TERRITORY AND TO ABSTAIN FROM CONTRIBUTING BY THEIR INVESTMENTS OR IMMIGRATION POLICY TO THE MAINTENANCE OF A COLONIAL SITUATION IN THE TERRITORY;

5. REQUESTS THE SPECIAL COMMITTEE ON THE SITUATION WITH REGARD TO THE IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES TO KEEP THE SITUATION IN THE TERRITORY UNDER VIEW, INCLUDING THE SENDING OF A VISITING MISSION TO THE TERRITORY, AND TO REPORT TO THE GENERAL ASSEMBLY AT ITS THIRTIETH SESSION.

35/ A/PV. 2249.

36/ A/PV. 2251.

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37/ A/C.4/SR. 2117, 2125 AND 2130.

38/A/C.4/SR. 2117 AND 2130.

39/ A/PV. 2265 AND A/C.4/SR. 2125.

40/ A/PV. 2253 A/C.4/SR. 2117, 2125, 2126 AND 2130.UNQTE

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To: RABAT
Type: TE
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